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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,658	12/11/2003	Erik J. Burckart	LOT9-2003-0032-US1 (017)	8852
46321 7590 09/21/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER LONG, ANDREA NATAE	
			ART UNIT 2176	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/733,658	Applicant(s) BURCKART ET AL.	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**FINAL ACTION**

***Applicant's Remarks***

1. Claim 3 has been amended to overcome the rejection under 35 U.S.C. 112, second paragraph. Claims 1-17 are currently pending in the present application

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3, 7-9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodi (Pub. No.: US 2004/0264376 A1), hereinafter "Schrodi" in view of Hinchliffe et al. (Pub No.: US 2003/0110280 A1), hereinafter "Hinchliffe".**

**As to independent claim 1**, Schrodi teaches a method of conducting electronic meetings (page 4 paragraph [0046] → Schrodi teaches prioritizing data traffic within a service such as a web conference or other multimedia application). Schrodi does not teach assigning priority to groups for providing meeting events to the groups. Hinchliffe teaches defining one or more groups of participants (page 1 paragraph [0014] → taught as breaking the plurality of computers down into groups);

assigning a relative priority for each group, the relative priority for each group being unique to said group (page 1 paragraph [0014] → taught as the groups having an associated priority);

generating a meeting event for the electronic meeting (page 1 paragraph [0014] → taught as pushing a data update); and

triggering logic to provide the meeting event to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Schrodi with the updating of data and prioritization of groups of Hinchliffe to improve the efficiency and effectiveness of updating data in a computer network such as a web conference.

**As to dependent claim 2**, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting the meeting event to a group in a sequenced order relative to a priority. Hinchliffe teaches transmitting the meeting event to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritizing of data traffic of Schrodi with the transmitting of events in a sequenced order of Hinchliffe to allow high priority groups to receive data before groups with a lower priority.

**As to dependent claim 3**, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting of the meeting event to the groups by a pre-configured time interval. Hinchliffe teaches staggering the transmitting of the meeting event to the groups by a pre-configured time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritization of Schrodi with the transmitting of data of Hinchliffe to provide essential information to each group of when data can be expected.

**As to independent claim 7**, Schrodi teaches a machine-readable storage having stored thereon a computer program for conducting electronic meetings, (page 4 paragraph [0046] → Schrodi teaches prioritizing data traffic within a service such as a web conference or other multimedia application). Schrodi does not teach assigning priority to groups for providing meeting events to the groups. Hinchliffe teaches defining one or more groups of participants in an electronic meeting (page 1 paragraph [0014] → taught as breaking the plurality of computers down into groups);

assigning a relative priority for each group, the relative priority for each group being unique to said group (page 1 paragraph [0014] → taught as the groups having an associated priority);

generating a meeting event for the electronic meeting (page 1 paragraph [0014] → taught as pushing a data update); and

triggering logic to provide the meeting event to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Schrodi with the updating of data and prioritization of groups of Hinchliffe to improve the efficiency and effectiveness of updating data in a computer network such as a web conference.

**As to dependent claim 8**, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting the meeting event to a group in a sequenced order relative to a priority. Hinchliffe teaches transmitting the meeting event to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritizing of data traffic of Schrodi with the transmitting of events in a sequenced order of Hinchliffe to allow high priority groups to receive data before groups with a lower priority.

**As to dependent claim 9**, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting of the meeting event to the groups by a pre-configured time interval. Hinchliffe teaches staggering the transmitting of the meeting event to

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the groups by a pre-configured time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritization of Schrodi with the transmitting of data of Hinchliffe to provide essential information to each group of when data can be expected.

**As to independent claim 13**, Schrodi teaches a system for conducting electronic meetings (page 4 paragraph [0046] → Schrodi teaches prioritizing data traffic within a service such as a web conference or other multimedia application). Schrodi does not teach assigning priority to groups for providing meeting events to the groups. Hinchliffe teaches a meeting server executing a meeting policy (page 4 paragraph [0041] configured to define one or more groups of participants in an electronic meeting (page 1 paragraph [0014] → taught as breaking the plurality of computers down into groups), and to assign a relative priority for each group, the relative priority for each group being unique to said group (page 1 paragraph [0014] → taught as the groups having an associated priority); and

triggering logic to provide a meeting event generated by the server to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Schrodi with the updating of data and prioritization of groups of Hinchliffe to improve the efficiency and effectiveness of updating data in a computer network such as a web conference.

**4. Claims 4, 5, 10, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherjee (Pub. No.: US 2004/0215722 A1), hereinafter "Mukherjee".**

**As to independent claim 4**, Mukherjee teaches a method of conducting electronic meetings having a plurality of participants (page 1 paragraph [0006] → taught as a collaboration session between a plurality of participants), comprising the steps of:

generating a meeting event (page 4 paragraph [0045]);

selecting at random a first group of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), triggering logic to provide the meeting event to the first group of participants (page 4 paragraph [0045]), the first group having a maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group.

It would have been obvious to one skilled in the art at the time the invention was made to have included having a preconfigured maximum number of participants in a group to allow for enhanced the exchange of data within the collaboration system.

**As to dependent claim 5**, Mukherjee teaches transmitting the meeting event to the first group of participants (page 4 paragraph [0045]).



**As to independent claim 10**, Mukherjee teaches a machine readable storage having stored thereon a computer program for conducting electronic meetings having a plurality of participants (page 1 paragraph [0006] → taught as a collaboration session between a plurality of participants), said computer program comprising a routine set of instructions which when executed by a machine cause the machine to perform the steps of:

generating a meeting event (page 4 paragraph [0045]);

selecting at random a first group of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), triggering logic to provide the meeting event to the first group of participants (page 4 paragraph [0045]), the first group having a maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group.

It would have been obvious to one skilled in the art at the time the invention was made to have included having a preconfigured maximum number of participants in a group to allow for enhanced the exchange of data within the collaboration system.

**As to dependent claim 11**, Mukherjee teaches transmitting the meeting event to the first group of participants (page 4 paragraph [0045]).

**As to independent claim 14**, Mukherjee teaches a system for conducting electronic meetings having a plurality of participants (page 1 paragraph [0006] → taught as a collaboration session between a plurality of participants), comprising:

a meeting server executing a meeting policy (Figures 1 and 2, page 1 paragraph [0004]) configured to select at random a group of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), triggering logic to provide a meeting event generated by the server to the group of participants (page 4 paragraph [0045]), the group having a maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups).

While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group.

It would have been obvious to one skilled in the art at the time the invention was made to have included having a preconfigured maximum number of participants in a group to allow for enhanced the exchange of data within the collaboration system.

**5. Claims 6, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherjee in view of Hinchliffe.**

**As to dependent claim 6**, Mukherjee teaches selecting at random additional groups of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), each additional group having a pre-configured maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group. Mukherjee teaches wherein every additional group only includes participants not previously included in any other group of participants (page 4 paragraph [0044] → taught as having passwords for entering a specific group designated for that participant;

transmitting the meeting event to the additional groups of participants (page 4 paragraph [0045])). Mukherjee does not teach staggering the meeting events. Hinchliffe teaches staggering the transmitting of the meeting event to the additional groups by a pre-configured time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Mukherjee with the staggering of events of Hinchliffe to improve the efficiency and effectiveness of updating data in a collaboration session.

**As to dependent claim 12**, Mukherjee teaches selecting at random additional groups of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), each additional group having a pre-configured maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group. Mukherjee teaches wherein every additional group only includes participants not previously included in any other group of participants (page 4 paragraph [0044] → taught as having passwords for entering a specific group designated for that participant;

transmitting the meeting event to the additional groups of participants (page 4 paragraph [0045])). Mukherjee does not teach staggering the meeting events. Hinchliffe teaches staggering the transmitting of the meeting event to the additional groups by a pre-configured time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Mukherjee with the staggering of events of Hinchliffe to improve the efficiency and effectiveness of updating data in a collaboration session.

**As to independent claims 15**, Mukherjee teaches a collaboration system for communication between a plurality of groups and sending data to each of the groups (page 4

paragraph [0045]). However Mukherjee does not teach an e-meeting update method comprising the step of inducing individual e-meeting updates at different times for different selections of e-meeting participants. Hinchliffe teaches sending updated data to different groups at different times based on the priority level of each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the collaboration system of Mukherjee with the updating of Hinchliffe to improve the efficiency and effectiveness of updating data in a collaboration system.

**As to dependent claim 16**, Mukherjee teaches a collaboration system. Mukherjee does not explicitly teach inducing individual e-meeting updates at different times for random selections of said e-meeting participants. Hinchliffe teaches wherein said inducing step comprises the step of inducing individual e-meeting updates at different times for random selections of said e-meeting participants (page 2 paragraph [0018] → taught as having groups which exceed a size, split up into smaller groups and having additional push down tasks).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the system of Mukherjee with the inducing of Hinchliffe to control the flow of data within the system and increase the transmitting of data to the participants.

**As to dependent claim 17**, Mukherjee teaches a collaboration system. Mukherjee does not explicitly teach inducing individual e-meeting updates at different times according to a pre-defined sequence for particular ones of said e-meeting participants. Hinchliffe teaches wherein

said inducing step comprises the step of inducing individual e-meeting updates at different times according to a pre-defined sequence for particular ones of said e-meeting participants (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the system of Mukherjee with the inducing of Hinchliffe to control the flow of data within the system and increase the transmitting of data to the participants.

### *Response to Arguments*

6. Applicant's arguments filed 07/19/2007 have been fully considered but they are not persuasive.

#### **Applicant asserts:**

The Applicants observe that while Schrodi relates to the prioritization of data packets in a data communications system at a very low level, Schrodi does mention that high level services that can be provided in the data communications network include Web conferencing. The Applicants respectfully note, however, that Schrodi wholly lacks any teaching to the prioritization of groups of participants to a Web conference--only the prioritization of data packets which may or may not be part of a Web conference.

**The Examiner respectfully disagrees.** On page 4, paragraph [0046], Schrodi initially discloses that his uses of prioritizing data can be used analogously for all services for which a prioritization of the data traffic is needed, such as Web conferences. A web conference is defined as a meeting of two or more persons/groups for discussing matters of common concern, using World Wide Web technologies to share information. The mere mentioning of Web conferencing allows one skilled in the art to implement the method of prioritization of data in

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such a system. Therefore it is clear that the Shrodi's method teaches prioritization of groups of participants of a Web conference.

**Applicant asserts:**

Thus, from the bolded portions of the passage, it will be understood that destination computers intended to receive a data update are grouped by priority and not participants to an e-meeting. Moreover, there is no mention in paragraph [0014] that the priority assigned to the destination computers are relative in nature as required by the Applicants' claim language.

**The Examiner respectfully disagrees.** It is noted that it is the combination of Schrodi and Hinchliffe that teach the limitations of assigning a relative priority for each group. As stated above Schrodi teaches the prioritization of data within a Web conference, that inherently includes two or more persons/groups. The participants are related to a computing device of some sort, which is reasonable to one skilled in the art to be a computer. By Hinchliffe teaching grouping computers by priority, he is essentially in addition assigning a priority to the participants of that group.

**Applicant asserts:**

Likewise, Mukherjee does not include a teaching to the randomized grouping of participants to an e-meeting. The Examiner relies upon paragraph [0007] of Mukherjee in support of a contrary proposition. As it will be apparent to the Examiner neither the term "random" or any analogous term or phrase can be found in paragraph [0007]. Surely, "coupling a plurality of groups of participants with a collaboration infrastructure" cannot be said to teach "random".

**The Examiner respectfully disagrees.** Mukherjee while not explicitly stating the word "random", reasonably suggests due to his lack of expounding on the method for coupling a plurality of groups of participants with a collaboration infrastructure, could include a selecting at

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random a first group of participants. The teaching of Mukherjee does not preclude the use of various methods to perform the function of coupling a plurality of groups of participants.

**Applicant asserts:**

Of import, a broad statement of the invention can be found in Applicants' claim 15 in which it is stated, "inducing individual e-meeting updates at different times for different selections of e-meeting participants." The term "inducing" has the dictionary meaning ascribed by Merriam-Webster of "to move by persuasion or influence or to call forth or bring about by influence or stimulation." This claim term has not been addressed as it is found in claim 15 and further, neither Schrodi, Mukherjee nor Hinchliffe teach or suggest alone or in combination with one another the concept of *inducing the transmission of meeting invitations to different groups of e-meeting participants" at different times according to different relative priorities assigned to the different groups.*

**The Examiner respectfully disagrees.** Hinchliffe teaches sending an update to groups according to their priority level. The priority level of the groups is what influences the transmission of updates. Having priority levels to the groups provides information to the system as to which group will receive an update at a determined time which, provides for the influence or stimulation of an update.

**Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long  
September 14, 2007

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**